

DISTRICT OF COLUMBIA  
+ + + + +  
ALCOHOLIC BEVERAGE CONTROL BOARD  
+ + + + +  
MEETING

IN THE MATTER OF:

Esteban Ramirez & Francisco  
Nunez t/a Carolina Place                      Show Cause  
3700 14th Street, NW                      Hearing  
Retailer CR - ANC-4C  
License No. 21055  
Case #12-AUD-00006(NCBO)  
  
(Failed to Comply With the  
Terms of its Offer in  
Compromise dated May 1, 2013)

March 12, 2014

The Alcoholic Beverage Control  
Board met in the Alcoholic Beverage Control  
Hearing Room, Reeves Building, 2000 14th  
Street, N.W., Suite 400S, Washington, D.C.  
20009, Chairperson Ruthanne Miller,  
presiding.

PRESENT:

RUTHANNE MILLER, Chairperson  
NICK ALBERTI, Member  
DONALD BROOKS, Member  
MIKE SILVERSTEIN, Member  
HECTOR RODRIGUEZ, Member  
JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG

P-R-O-C-E-E-D-I-N-G-S

(10:50 a.m.)

CHAIRPERSON MILLER: Okay. Our next case is a Show Cause Hearing, Case No. 12-AUD-00006, Carolina Palace located at 3700 14th Street, N.W., License No. 21055, in ANC-4C.

MR. RIVERO: Good morning, Board Members. Fernando Rivero for the District of Columbia.

CHAIRPERSON MILLER: Good morning.

MR. GONZALEZ: Good morning, Donny Gonzalez for the applicant.

MR. RODRIGUEZ: Esteban Rodriguez for Carolina Restaurant. Good morning.

CHAIRPERSON MILLER: Good morning. All right. As I said, this is a Show Cause Hearing. Are there any preliminary issues?

MR. RIVERO: There are actually.

CHAIRPERSON MILLER: Okay.

MR. RIVERO: The parties have an offer in compromise that they have agreed to

1 through the Status Hearing in this matter,  
 2 which was set for January, but the licensee  
 3 arrived after the hearing was called and we  
 4 had an opportunity to discuss the case. So we  
 5 arrived at an offer in compromise and decided  
 6 not to recall the Board, at that point in  
 7 time, but to simply wait for the date this was  
 8 set --

9 CHAIRPERSON MILLER: Okay.

10 MR. RIVERO: -- to present those  
 11 terms. The offer in compromise is a  
 12 suspension of the license for two days to be  
 13 served on March 18th and March 19th, that  
 14 being, I believe, next Tuesday and Wednesday.  
 15 The licensee has a restaurant that is open  
 16 seven days a week.

17 The parties arrived at this offer  
 18 in compromise with the understanding that it  
 19 is appropriate for the circumstances of the  
 20 case, number one. Number two, it is also  
 21 within the purview of this Board to accept an  
 22 offer in compromise that consists of only a

1 term of suspension, since under DC Official  
2 Code 25-823 it indicates that "The Board may  
3 fine, and suspend, or revoke the license."  
4 Those commas are actually legally relevant in  
5 the world of legislative drafting.

6 Which means that the Board can  
7 either fine, suspend, both or neither.

8 The licensee has accepted this  
9 suspension and we believe that it is  
10 appropriate. Actually that's all the  
11 Government has to say about the fine and the  
12 OIC is presented at this time.

13 CHAIRPERSON MILLER: Okay. Do you  
14 have anything to say to that? And first of  
15 all, do you accept that offer in compromise?

16 MR. GONZALEZ: Yes, we do.

17 CHAIRPERSON MILLER: Of a two day  
18 suspension? Okay. And you know that by  
19 accepting an offer in compromise, you waive  
20 your right to a hearing?

21 MR. GONZALEZ: Yes, we understand  
22 that.

1 CHAIRPERSON MILLER: Okay. Do you  
2 have anything you want to add to that?

3 MR. GONZALEZ: Not at this time.  
4 Thank you.

5 CHAIRPERSON MILLER: Okay. Do  
6 Board Members have any questions?

7 MEMBER ALBERTI: Well, we haven't  
8 heard whether the underlying fine has been  
9 paid.

10 MR. RIVERO: The underlying fine  
11 was paid. The licensee brought a personal  
12 check, I understand, on the date of the Status  
13 Hearing in this matter in January, but there  
14 was some sort of flag placed on the record by  
15 OTR that had to do with the check. The  
16 licensee can give details about this. So at  
17 that time, ABRA did not accept the licensee's  
18 check.

19 The licensee then returned the  
20 next month on February 10th, which was last  
21 month, and paid with a certified check that  
22 was accepted. So the underlying fine is paid.

1 CHAIRPERSON MILLER: Oh, Mr.

2 Brooks?

3 MEMBER BROOKS: Thank you, Madam  
4 Chair. The 18th and 19th are what two days of  
5 the week? I don't have my calendar.

6 MR. GONZALEZ: Tuesday and  
7 Wednesday.

8 MEMBER BROOKS: The 18th and 19th.

9 MR. GONZALEZ: Tuesday and  
10 Wednesday, sir.

11 MEMBER BROOKS: Tuesday and  
12 Wednesday?

13 MR. RIVERO: Correct.

14 MR. GONZALEZ: That's correct.

15 MR. RIVERO: That's next week.

16 MEMBER BROOKS: Okay. Thank you.  
17 Thank you, Madam Chair.

18 CHAIRPERSON MILLER: I have a  
19 question. Can you give a ballpark estimate of  
20 what the cost is to the business by being  
21 closed those two days?

22 MR. RIVERO: If I may interject

1       for one moment?

2                   CHAIRPERSON MILLER:   Yes.

3                   MR. RIVERO:   The suspension means  
4       that the licensee --

5                   CHAIRPERSON MILLER:   No alcohol.

6                   MR. RIVERO:   -- can't sell  
7       alcoholic beverages.

8                   CHAIRPERSON MILLER:   Thank you.

9                   MR. RIVERO:   But the licensee can  
10      sell food and non-alcoholic beverages.

11                  CHAIRPERSON MILLER:   Okay.

12                  MR. RIVERO:   Which is taken into  
13      account in the assessment that is the subject  
14      of the Chair's question.

15                  CHAIRPERSON MILLER:   Right.   Thank  
16      you very much.

17                  MR. RIVERO:   Okay.

18                  CHAIRPERSON MILLER:   So the  
19      question would be the cost for not being able  
20      to sell alcohol.

21                  MR. GONZALEZ:   Approximately,  
22      \$700.

1 CHAIRPERSON MILLER: How much?

2 MR. GONZALEZ: \$700.

3 CHAIRPERSON MILLER: Each day or  
4 together?

5 MR. GONZALEZ: Together.

6 CHAIRPERSON MILLER: Together.  
7 Okay. Okay.

8 MEMBER SHORT: Just the liquor  
9 part.

10 CHAIRPERSON MILLER: Other  
11 questions? All right.

12 MEMBER ALBERTI: Can we talk?

13 CHAIRPERSON MILLER: Oh, you want  
14 to --

15 MEMBER ALBERTI: Yes, I would like  
16 to.

17 CHAIRPERSON MILLER: Okay. There  
18 has been a request then that the Board go into  
19 Executive Session to consider this with our  
20 attorney, so I will accept that and we will  
21 take a vote on doing that.

22 As Chairperson of the Alcoholic



1 Beverage Control Board for the District of  
2 Columbia and in accordance with Section 405 of  
3 the Open Meetings Amendment Act of 2010, I  
4 move that the ABC Board hold a closed meeting  
5 for the purpose of seeking legal advice from  
6 our counsel on Case No. 12-AUD-00006, Carolina  
7 Palace, per Section 405(b)(4) of the Open  
8 Meetings Amendment Act of 2010, and  
9 deliberating upon this briefly before coming  
10 back for the reasons cited in Section  
11 405(b)(13) of the Open Meetings Amendment Act  
12 of 2010.

13 Is there a second?

14 MEMBER SILVERSTEIN: Second.

15 CHAIRPERSON MILLER: Mr.

16 Silverstein seconded the motion. I'm going to  
17 call a roll call vote on the motion now that  
18 it has been seconded.

19 Mr. Brooks?

20 MEMBER BROOKS: I agree.

21 CHAIRPERSON MILLER: Mr. Alberti?

22 MEMBER ALBERTI: I agree.

1 CHAIRPERSON MILLER: Mr.

2 Rodriguez?

3 MEMBER RODRIGUEZ: I agree.

4 CHAIRPERSON MILLER: Ms. Miller  
5 agrees.

6 Mr. Silverstein?

7 MEMBER SILVERSTEIN: I agree.

8 CHAIRPERSON MILLER: Mr. Short?

9 MEMBER SHORT: I agree.

10 CHAIRPERSON MILLER: Okay. It  
11 appears that the motion has passed by a vote  
12 of 6-0-0, so we are going to take a brief  
13 recess and consider this and then come back to  
14 you with a decision.

15 MR. GONZALEZ: Thank you very  
16 much.

17 MR. RODRIGUEZ: Thank you.

18 CHAIRPERSON MILLER: All right.  
19 Thank you.

20 (Whereupon, at 10:57 a.m. a recess  
21 until 11:12 a.m.)

22 CHAIRPERSON MILLER: Okay. We are

1 back on the record after the Board had  
2 recessed and conferred with counsel and  
3 considered the offer in compromise.

4 So unless Board Members have any  
5 other questions of the parties, I'm ready to  
6 move forward with a motion.

7 MEMBER RODRIGUEZ: I second the  
8 motion.

9 CHAIRPERSON MILLER: Wait a  
10 second. Okay. So the motion is to approve  
11 the offer in compromise of a two day  
12 suspension of the license on March 18th and  
13 19, 2014.

14 MEMBER SILVERSTEIN: I second the  
15 motion.

16 CHAIRPERSON MILLER: Mr.  
17 Silverstein has seconded the motion. I'm  
18 moving this motion on the basis that we have  
19 determined that it is in compliance with the  
20 statutory scheme and relying on the parties  
21 representation that this is a fair offer in  
22 compromise to resolve the case.

1                   Are there other comments? Mr.  
2                   Alberti?

3                   MEMBER ALBERTI: Ms. Miller, the  
4                   licensee was given 90 days to pay this fine.  
5                   They paid the fine five months after it was  
6                   due. Six months after it was due, that's nine  
7                   months after it was assigned. They were, as  
8                   I said, six months late in paying this fine.

9                   To me, that shows disregard for  
10                  the authority of this Board. This fine was  
11                  ordered by the Board and it was not complied  
12                  with.

13                  On top of that, we have an offer  
14                  in compromise, a negotiated settlement that  
15                  has no monetary fine, but an agreement to be  
16                  closed the two slowest days of the week. To  
17                  me, that shows further disregard for the  
18                  authority of this Board. I could not in good  
19                  conscience accept this OIC.

20                  CHAIRPERSON MILLER: Okay. I did  
21                  mean to say that another factor in my  
22                  consideration was the fact that the fine has

1       been paid in full and I believe there is a  
2       monetary value to the suspension for two days,  
3       as represented by the licensee.

4                   Any other comments?

5                   MEMBER RODRIGUEZ:   Yes.

6                   CHAIRPERSON MILLER:   Yes, Mr.  
7       Rodriguez?

8                   MEMBER RODRIGUEZ:   Madam Chair, I  
9       think that while the fine was late, I think  
10      that the establishment did pay the fine and  
11      they have shown an act of contrition here by  
12      allowing two days to be closed.

13                   Now, we don't know if they are the  
14      heaviest days or not, but that is business  
15      that they are giving up in the sale of liquor  
16      and so, therefore, it is showing good faith on  
17      their part that they are willing not to sell  
18      liquor for those two days.   I think it is a  
19      good positive sign.   I don't think -- I don't  
20      expect that this should happen again.   And so,  
21      therefore, I'm for giving this establishment  
22      an opportunity.   That's all I have.

1                   CHAIRPERSON MILLER:   Okay.   Thank  
2   you.   Others?   Okay.   There is a motion to  
3   approve the offer in compromise of a two day  
4   suspension on March 18th and 19th that has been  
5   seconded.

6                   All those in favor say aye.

7                   MEMBER RODRIGUEZ:   Aye.

8                   CHAIRPERSON MILLER:   Aye.

9                   MEMBER SILVERSTEIN:   Aye.

10                  CHAIRPERSON MILLER:   All those  
11   opposed?

12                  MEMBER ALBERTI:   Oppose.

13                  MEMBER SHORT:   Oppose.

14                  MEMBER BROOKS:   No, oppose.

15                  CHAIRPERSON MILLER:   Then the  
16   motion fails, I believe.

17                  MEMBER ALBERTI:   Fails.

18                  CHAIRPERSON MILLER:   By a vote of  
19   3-4-0.

20                  MEMBER ALBERTI:   Three?   No,  
21   there's not three.

22                  CHAIRPERSON MILLER:   No, there is

1 not a fourth here, I'm sorry.

2 MEMBER ALBERTI: So the motion  
3 fails.

4 CHAIRPERSON MILLER: What is it 3-  
5 3?

6 MEMBER ALBERTI: Yes.

7 CHAIRPERSON MILLER: 3-3.

8 MEMBER ALBERTI: The motion fails  
9 and that means that the offer in compromise is  
10 not accepted. Is that correct?

11 MEMBER SHORT: How many votes do  
12 we have?

13 CHAIRPERSON MILLER: That's  
14 correct. We have six.

15 MEMBER SHORT: Six.

16 CHAIRPERSON MILLER: So we need --  
17 to prevail, we needed --

18 MEMBER ALBERTI: You needed four.

19 CHAIRPERSON MILLER: -- a  
20 majority.

21 MEMBER ALBERTI: You need a  
22 majority to prevail.

1 CHAIRPERSON MILLER: All right.

2 So are you ready to go forward with the  
3 hearing?

4 MR. RIVERO: Of course.

5 CHAIRPERSON MILLER: Okay.

6 MR. RIVERO: The Government would  
7 waive its opening argument.

8 CHAIRPERSON MILLER: Um-hum.

9 MR. RIVERO: The parties have  
10 stipulated that the licensee paid the fine  
11 issued in this case on February 10, 2014. The  
12 Government rests its case.

13 CHAIRPERSON MILLER: Thank you.

14 MEMBER ALBERTI: Excuse me. May I  
15 ask? The licensee is stipulating to that?

16 MR. RIVERO: Yes, the parties have  
17 stipulated.

18 MEMBER ALBERTI: Okay. Can we --  
19 all right.

20 MR. RIVERO: The stipulation.

21 MEMBER ALBERTI: Okay. Thank you.

22 CHAIRPERSON MILLER: I didn't --



1 MR. RIVERO: The parties have --

2 CHAIRPERSON MILLER: The parties  
3 have? Is that correct?

4 MR. RIVERO: -- stipulated.

5 CHAIRPERSON MILLER: You have  
6 stipulated to what? That --

7 MR. GONZALEZ: That the fine has  
8 been paid.

9 CHAIRPERSON MILLER: That the fine  
10 has been paid. Okay.

11 MR. GONZALEZ: Right.

12 MR. RIVERO: The parties have  
13 stipulated that the fine that is the subject  
14 of this case was paid on February 10, 2014.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER SILVERSTEIN: I'm sorry,  
17 the fine has been paid?

18 MR. RIVERO: The parties have  
19 stipulated that the fine that is the subject  
20 of this case was paid on February 10, 2014.

21 CHAIRPERSON MILLER: And the  
22 Government has rested its --

1                   MR. RIVERO: That would -- being  
2                   the factual stipulation that the Government  
3                   needed for its case. The Government rests its  
4                   case.

5                   CHAIRPERSON MILLER: Okay. Now,  
6                   we turn to the licensee. Do you -- if anyone  
7                   is going to testify, I need to put them under  
8                   oath. Are you an attorney?

9                   MR. GONZALEZ: No, I'm not an  
10                  attorney.

11                  CHAIRPERSON MILLER: Okay.

12                  MR. GONZALEZ: Just a --

13                  CHAIRPERSON MILLER: Okay. So if  
14                  anyone is going to testify, I need to put you  
15                  under oath. I just want to let you know that,  
16                  Mr. Rodriguez. I mean, Mr. Rivero is an  
17                  attorney and so he doesn't get put under oath.  
18                  Are you going to be testifying?

19                  MR. GONZALEZ: Yes.

20                  CHAIRPERSON MILLER: Okay. Both  
21                  of you or one of you?

22                  MR. GONZALEZ: Both of us.

1 CHAIRPERSON MILLER: Okay. And  
2 then could you take the stand when you  
3 testify?

4 MR. GONZALEZ: Sure.

5 CHAIRPERSON MILLER: Unless you  
6 need your -- okay, thank you.  
7 Whereupon,

8 DONNY GONZALEZ  
9 was called as a witness for the licensee, and  
10 having been first duly sworn, assumed the  
11 witness stand and was examined and testified  
12 as follows:

13 CHAIRPERSON MILLER: Okay. If you  
14 can identify yourself for the record first?

15 MR. GONZALEZ: My name is Donny  
16 Gonzalez.

17 CHAIRPERSON MILLER: Okay. I just  
18 want to say that, you know, this is a Show  
19 Cause Hearing and the formality is you could  
20 make an opening statement about your case or  
21 you could just testify.

22 MR. GONZALEZ: I just would like

1 to make a comment that, you know, with all due  
2 respect to the Board, you know, we apologize  
3 for not having the fine in on time. The  
4 establishment has been going through financial  
5 difficulty for quite some time. And the fine  
6 was paid as soon as it possibly could.

7 At this time, we just wanted to  
8 apologize and just let you know that the fine  
9 was paid on the 10th of February, that the  
10 establishment -- the whole violation in  
11 question is because the fine was paid late.  
12 And the original violation, which is outside  
13 of this hearing, was a violation that won't  
14 occur again.

15 The establishment has been in  
16 compliance ever since and it is going to  
17 continue to make its best effort to remain in  
18 compliance with the Board.

19 CHAIRPERSON MILLER: Board  
20 questions? I mean, I'm sorry, cross-exam?  
21 Sorry.

22 MR. RIVERO: The Government won't

1 object, but just merely to note that the  
2 licensee's personal representative is being  
3 treated as a witness when normally that person  
4 stands in sort of the place of the advocate  
5 for the licensee.

6 CHAIRPERSON MILLER: Okay.

7 MR. RIVERO: But I won't make any  
8 terrible objection on that ground given that  
9 both parties are not legally trained. And the  
10 Government has no objections and no questions  
11 of the witness, at this time.

12 CHAIRPERSON MILLER: That was  
13 going to be my first question to kind of like  
14 clarify again who you are with respect --

15 MR. GONZALEZ: I'm just a family  
16 friend that just tries to help as much as I  
17 can.

18 CHAIRPERSON MILLER: Okay. Thank  
19 you. Questions?

20 MR. RIVERO: The Government is  
21 satisfied that the personal representative is  
22 acquainted with the facts of this case.

1 MEMBER RODRIGUEZ: Okay.

2 CHAIRPERSON MILLER: Okay. Good.  
3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: Several  
5 questions, sir. First, does Mr. Nunez speak  
6 good English or are you here in part because  
7 he has difficulty?

8 MR. GONZALEZ: He has some  
9 difficulty understanding or speaking English.  
10 Just some.

11 MEMBER SILVERSTEIN: Okay. But he  
12 understands what is going on? And he  
13 understands that you are representing him?

14 MR. GONZALEZ: Yes.

15 MEMBER SILVERSTEIN: You say that  
16 he was having financial troubles?

17 MR. GONZALEZ: That's right.

18 MEMBER SILVERSTEIN: Was he paying  
19 his rent on time?

20 MR. GONZALEZ: I'm sorry?

21 MEMBER SILVERSTEIN: Was he paying  
22 his rent on time?

1                   MR. GONZALEZ: Yes, he was paying  
2 his rent on time. But managing the business  
3 has been troublesome. Some of the employees  
4 he had to let go. He has been having trouble  
5 paying bills outside of the establishment, so  
6 to speak.

7                   MEMBER SILVERSTEIN: He has been  
8 having trouble paying bills outside of the  
9 establishment? What do you mean by that?

10                  MR. GONZALEZ: I would like him to  
11 comment on it, if that's appropriate?

12                  MEMBER SILVERSTEIN: Okay. Was he  
13 paying his suppliers on time? The food  
14 suppliers, things of that sort?

15                  MR. GONZALEZ: Yes.

16                  MEMBER SILVERSTEIN: So he was  
17 able to pay his rent, his suppliers.  
18 Obviously, he can't buy liquor on credit from  
19 the wholesalers.

20                  MR. GONZALEZ: That's correct.

21                  MEMBER SILVERSTEIN: But he hadn't  
22 paid us. Okay. That's all I have for you.

1 CHAIRPERSON MILLER: Any other  
2 questions? Okay. Mr. Alberti?

3 MEMBER ALBERTI: Mr. Gonzalez?

4 MR. GONZALEZ: Yes, sir.

5 MEMBER ALBERTI: When I look at  
6 the investigative history for this  
7 establishment, it's pretty long. Multiple  
8 repeated noncompliance dating back to 2006 and  
9 that's pretty steady all through that period.  
10 I don't see any gaps where there -- there  
11 isn't a year where there isn't some  
12 noncompliance.

13 So my question to you is why  
14 should we believe you that you said that he is  
15 now going to change his ways and come into  
16 compliance? Why should we believe that  
17 statement?

18 MR. GONZALEZ: I don't have the  
19 history in front of me, but over the past  
20 couple -- two years, there has been a  
21 significant decrease in comparison to previous  
22 years.



1                   MEMBER ALBERTI:   Okay.   Thank you.

2                   CHAIRPERSON MILLER:   Any other  
3   questions?   Okay.   Thank you, Mr. Gonzalez.

4                   MR. GONZALEZ:   All right.

5                   CHAIRPERSON MILLER:   Are we going  
6   to hear from -- sir, I'm sorry?

7                   MR. GONZALEZ:   He doesn't want to  
8   say anything at this time.

9                   CHAIRPERSON MILLER:   Okay.   So you  
10   rest your case?

11                  MR. GONZALEZ:   (No audible  
12   answer.)

13                  CHAIRPERSON MILLER:   Okay.   All  
14   right.   Mr. Rivero, do you have any closing  
15   argument?

16                  MR. RIVERO:   Not really.   Other  
17   than to point out since there was a reference  
18   made to the investigative history of this  
19   particular licensee, and I don't know how  
20   detailed it is, because I don't have it in  
21   front of me, but I do note that there was also  
22   reference made to the same kind of violation

1 occurring over time.

2 Earlier in that history, maybe it  
3 was 2007 or '08, because I know I was the  
4 attorney litigating those cases, some of those  
5 cases stemmed from not filing quarterly  
6 reports because the records that were needed  
7 for the quarterly reports were not available  
8 to the licensee.

9 In those days, this Agency was  
10 located in another building and if I remember  
11 correctly, the auditor took the records. The  
12 records were subsequently lost by ABRA and so  
13 a number of those cases were, I think,  
14 dismissed or not prosecuted. So there is  
15 that, that's something that I do recall that  
16 was part of the investigative history as well.

17 So if the Board is going to look  
18 at the investigative history, the entirety of  
19 it should be considered.

20 But as I indicated before, the  
21 Government has made its case. The licensee  
22 has paid after the date that the Board had

1       ordered. And so we have nothing further to  
2       discuss or say on that evidentiary point,  
3       since the Board is required really to rule in  
4       our favor on that ground.

5                   CHAIRPERSON MILLER: Okay. Do you  
6       have any closing remarks?

7                   MR. GONZALEZ: No.

8                   CHAIRPERSON MILLER: No. Okay.  
9       Then the record is closed, at this point. And  
10      I have to ask if the parties want to file  
11      proposed findings of fact and conclusions of  
12      law or waive their right to do so?

13                  MR. RIVERO: The Government  
14      waives.

15                  CHAIRPERSON MILLER: Do you -- I  
16      can explain it or Mr. Rivero can.

17                  MR. GONZALEZ: Please.

18                  CHAIRPERSON MILLER: Yes, okay. I  
19      don't think you want to do this. Very few  
20      people do it, but the law allows parties to  
21      file a written like legal brief afterwards to  
22      give to the Board to use to find what the

1 facts are in this case, what we find the facts  
2 are and what conclusions of law we should  
3 reach. This is a very straightforward case.

4 MR. GONZALEZ: Right.

5 CHAIRPERSON MILLER: So --

6 MR. GONZALEZ: It was paid late,  
7 sorry.

8 CHAIRPERSON MILLER: Okay. So you  
9 will waive that, too. Okay. So what is going  
10 to happen next is I'm going to read the same  
11 kind of instructions that I read before for  
12 the Board deliberating in closed session on  
13 this case.

14 MR. GONZALEZ: Okay.

15 CHAIRPERSON MILLER: And we take a  
16 vote on that. In this instance though, the  
17 result will be a written order and you will  
18 receive it within 90 days or a shorter period  
19 of time.

20 Okay. As Chairperson of the  
21 Alcoholic Beverage Control Board for the  
22 District of Columbia and in accordance with

1 Section 405 of the Open Meetings Amendment Act  
2 of 2010, I move that the ABC Board hold a  
3 closed meeting for the purpose of seeking  
4 legal advice from our counsel on Case No. 12-  
5 AUD-00006, Carolina Palace, per Section  
6 405(b)(4) of the Open Meetings Amendment Act  
7 of 2010, and deliberating upon this case for  
8 the reasons cited in Section 405(b)(13) of the  
9 Open Meetings Amendment Act of 2010.

10 Is there a second?

11 MEMBER SILVERSTEIN: Second.

12 CHAIRPERSON MILLER: Mr.

13 Silverstein has seconded the motion. I'll now  
14 take a roll call vote on the motion now that  
15 it has been seconded.

16 Mr. Brooks?

17 MEMBER BROOKS: I agree.

18 CHAIRPERSON MILLER: Mr. Alberti?

19 MEMBER ALBERTI: I agree.

20 CHAIRPERSON MILLER: Mr.

21 Rodriguez?

22 MEMBER RODRIGUEZ: I agree.

1 CHAIRPERSON MILLER: Ms. Miller  
2 agrees.

3 Mr. Silverstein?

4 MEMBER SILVERSTEIN: I agree.

5 CHAIRPERSON MILLER: Mr. Short?

6 MEMBER SHORT: I agree.

7 CHAIRPERSON MILLER: As it appears  
8 the motion has passed by a 6-0-0 vote, I  
9 hereby give notice that the ABC Board will  
10 hold a closed meeting in the ABC Board  
11 conference room on this case and issue a  
12 decision within 90 days pursuant to the Open  
13 Meetings Amendment Act of 2010.

14 Okay. Thank you very much.

15 MR. GONZALEZ: Thank you.

16 MR. RODRIGUEZ: Thank you.

17 (Whereupon, the Show Cause Hearing  
18 in the above-entitled matter was concluded at  
19 11:29 a.m.)  
20  
21  
22

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